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Attorneys for Defendants

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

MICHAEL BRIONEZ, *et al.*,)
)
 Plaintiffs,)
)
 v.)
)
 UNITED STATES DEPARTMENT OF)
 AGRICULTURE, *et al.*,)
)
 Defendants.)

No. C 01 3969 CW

PROCESS FOR CLAIMING
 IMPLEMENTATION FEES

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 Implementation Fees
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PROCESS FOR CLAIMING IMPLEMENTATION FEES

Plaintiffs and defendants, through their undersigned counsel, are entering into this Process for Claiming Implementation Fees for the sole purpose of liquidating defendants' agreement pursuant to Section VIII of the Settlement Agreement to pay attorneys' fees and costs that are generated in connection with the implementation of the Settlement Agreement, which became effective on December 22, 2002.

1. For fees incurred on or after January 1, 2003, plaintiffs' counsels' fees and costs will be submitted bi-annually (twice a year), supported by time and expense records. Plaintiffs will have 30 days following the six-month period to submit the request, except the initial claim will be submitted on or before January 15, 2004. The parties agree that the initial claim will cover the period from January 1, 2003, through October 31, 2003, the second claim will cover from November 1, 2003, through June 30, 2004, and thereafter the submissions will be at six month intervals. Plaintiffs' counsel will take every reasonable step not to duplicate efforts in the implementation of the Settlement Agreement. Plaintiffs' claims will be governed by the terms of the Settlement Agreement and applicable case law. Plaintiffs agree to limit rates for 2003 to those claimed in their demand for fees in connection with the filing and settling of the action on the merits, with the understanding that plaintiffs' rates may increase on an annual basis for the remaining term of the Settlement Agreement if justified by market rate increases.

2. Defendants have 30 days after plaintiffs' submission of the request, to object to all or part of the request. Defendants will serve any objections on the Law Offices of Richard M. Pearl (or other designee of plaintiffs') by facsimile or e-mail.

3. The parties will then have 30 days to meet and confer (via telephone, correspondence or in person) over any contested objections.

4. If the parties fail to agree, plaintiffs will have 60 days after the meet and confer period expired to file a motion over any amounts remaining in dispute.

1 5. Payment can be made on a bi-annual basis. Interest will not accrue on the undisputed
2 amounts for 90 days following plaintiffs' submission. After the expiration of the 90 days, interest will
3 start to accrue. As to any disputed fees, payment must be made within 90 days of the resolution of the
4 dispute, and interest will start to accrue 120 days after plaintiffs' submission of the claim. Interest will
5 stop accruing on the date the Department of Justice submits the claim to the Department of the
6 Treasury. However, if payment takes longer than 30 days after the Department of Justice's submission,
7 then the parties may re-negotiate this term. The rate of interest paid would be pursuant to 28 U.S.C.
8 §1961(a).

9 6. The parties agree that the time periods in this process supercede any applicable time limit or
10 procedures set forth in the Federal Rules of Civil Procedure, or the Local Rules of the Northern District
11 of California.

12 7. The below signed counsel are authorized to enter into this Process for Claiming
13 Implementation Fees on behalf of their respective clients, and undersigned counsel for plaintiffs is
14 authorized to enter into this Process for Claiming Implementation Fees on behalf of all of his/her co-
15 counsel. The parties agree that notice to the Brionez class is not necessary for the execution or
16 implementation of this Process for Claiming Implementation Fees.

1 IT IS SO STIPULATED:

ROBERT D. McCALLUM, JR.
Assistant Attorney General

2
3 KEVIN V. RYAN
United States Attorney

4 Dated: December 10, 2003

By: /s/ Susan K. Ullman
HENRY A. AZAR, JR.
Assistant Branch Director
SUSAN K. ULLMAN
Trial Attorney

7 Attorneys for Defendants

8
9 Dated: December 9, 2003

By: /s/ Richard M. Pearl
RICHARD M. PEARL
1816 Fifth Street
Berkeley, California 94710

DENISE M. HULETT (No. 121553)
Mexican American Legal Defense and
Educational Fund

13 CHRISTOPHER HO (No. 129845)
14 The Legal Aid Society - Employment Law
Center

15 Attorneys for Plaintiffs

16
17 THE FOREGOING PROCESS FOR CLAIMING IMPLEMENTATION FEES, IS
18 APPROVED ON THIS 15th DAY OF DECEMBER 2003.

19 /s/ CLAUDIA WILKEN

20 THE HONORABLE CLAUDIA WILKEN
United States District Judge